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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE October 6, 2014	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Damien and Katheryne Mavis, Patrick Arnold	FILE NO. CO 14-0021 SUB2013-00054
SUBJECT A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-196-016	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan			
LAND USE ORDINANCE STANDARDS: Minimum Parcel Size			
EXISTING USES: Vacant, undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Recreation / Avila Beach Golf Course East: Residential Multi Family / Vacant South: Residential Multi Family / Residences West: Residential Multi Family / Vacant			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.	
TOPOGRAPHY: Site is nearly level with one steep short slope across the northern third of the property.	VEGETATION: Non-native scattered grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: May 9, 2014

PROJECT HISTORY:

The project site is located on an existing legal lot within the “old railroad right of way” along Avila Beach Drive in the community of Avila Beach. The lots within this area were approved by a lot line adjustment in August 1997 and recorded by parcel (final) map at Book 54, Page 73. (This parcel is Parcel 11 of COAL 96-112).

PROJECT DESCRIPTION:

The proposed project is a planned development which includes the subdivision of one approximately 6,000 square foot parcel into two parcels, and the subsequent development of two residential units. The proposed parcels will each be approximately 3,000 square feet. One residence will be approximately 1,913 square feet with an attached two car garage, and the second residence will be approximately 1,983 square feet with an attached two car garage. Both residences will be used as separate vacation rentals. Access for the parcels will be off a private easement (Colony Lane) and the lots will not have vehicular access from Avila Beach Drive.

ORDINANCE COMPLIANCE:

TITLE 21 REAL PROPERTY DIVISION ORDINANCE

Section 21.09.010 - Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve land divisions.

Staff Response: Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Section 21.03.010 - Design Criteria: Factors to be considered

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance. Design standards include but are not limited to compliance with all ordinance and general plan requirements, Subdivision Map Act regulations, landscaping, access and circulation, drainage, water and sewer services, utilities, and any additional coastal requirements.

TITLE 23 COASTAL ZONE LAND USE ORDINANCE

Minimum Parcel Size

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally, minimum parcel size standards are determined by a series of tests that include the type of road that provides access to the site, slope, and type of wastewater facility available to the site. However, this project is subject to Section 23.04.028(d) - *Condominiums*, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. The common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family land use category.

Staff Response: The proposed project meets both of these requirements as the common ownership parcel (i.e. "parent parcel") is 6,000 square feet, which meets the minimum parcel size requirement of 6,000 square feet and is in compliance with the density requirements of Title 23 (Section 23.04.084). The Avila Beach Specific Plan density standards override Section 23.04.084 but in this case are the same. For further discussion on multi-family density, refer to the density section of this staff report under Avila Beach Specific Plan.

Section 23.04.160 - Parking

Parking requirements for single family dwellings require 2 parking spaces per dwelling. The proposed project includes two spaces for each residence.

Staff Response: The proposed project complies with this requirement. Each residence will have an attached two-car garage at the lower level.

Section 23.04.100 – Setbacks

The front property line for the project site is parallel with Avila Beach Drive. For all residential uses, a minimum front setback of 25 feet is required; the rear property line for the site is parallel with Colony Lane. The minimum rear setback is 10 feet on sites of less than one acre in net area. Side setbacks within urban and village reserve areas are to be 10 percent of the lot width, to a maximum of five feet but not less than 3 feet on sites less than one acre in net area.

Staff Response: The proposed project complies with these requirements. The proposed single family residences will be setback from the front property line approximately 27 feet and setback from the rear property line 10 feet. The proposed side setback from adjacent lots is 3 feet which meets the 10 percent lot width setback requirement.

Section 23.04.110(f) – Side setbacks for special development types

The project will consist of common wall development, where any two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. The two dwelling units may be constructed as such provided that:

1. The setback has been eliminated through Subdivision Map or Development Plan approval;
2. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
3. The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
4. Common wall construction is in compliance with the Uniform Building Code.

Staff Response: As a condominium/planned development the proposed project falls under a different ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines are set by the Land Use Ordinance as discussed above..

Section 23.08.165 – Residential Vacation Rentals

A residential vacation rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

Staff Response: The proposed project does not meet the location standard because it is within 50 feet of an existing vacation rental. The applicant has submitted a request as a part of the project description to modify the location standard to allow for both residences to be used as vacation rentals. This request to modify the location standard is made part of the Development Plan and as such, complies with these requirements as conditioned.

PLANNING AREA STANDARDS:

San Luis Bay Area Plan

Avila Beach Specific Plan

The Avila Beach Specific Plan, and any amendments made thereto is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control.

Residential Standards. All new residential development shall be designed to protect public view corridors to the beach and ocean.

Staff Response: The proposed project does not inhibit any public view corridors. The best public views in this area are through the street corridors which are protected rights of way. This project site contains development adjacent to the south-west (mix of commercial and residential development) which currently block views along Avila Beach Drive in this particular location to the beach and ocean. This project will not further inhibit existing views of the beach and ocean because of existing surrounding development.

Storm Drainage. The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff.

Staff Response: The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The proposed project is conditioned to include BMP's in the grading and drainage plans to meet this requirement.

AVILA BEACH SPECIFIC PLAN STANDARDS:

Density

Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. There would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre;
2. The bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. All other design guidelines and standards applicable to Residential Multi Family are met.

Staff Response: The project as proposed is designed at the high density level relative to the maximum floor area and minimum open area required. The project complies with the criteria for increased density because there is no greater obstruction of public views due to existing development adjacent to the property. There is also no greater solar obstruction to the nearest existing residence which is located approximately 45 feet to the south. The project complies with all ordinance requirements as conditioned.

The required base square footages for high density include the following:

	DENSITY	MAX FLOOR AREA	MIN. OPEN AREA
Allowed	38 units/acre (5 units)	65% (3,900 sq ft)	40% (2,400 sq ft)
Proposed	2 units	3,900 sq ft	3,295 sq ft.

Setbacks

To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels. The proposed project is not located adjacent to any existing structures on Avila Beach Drive, which would affect the front setback requirement. The front setback for the proposed project is 25 feet as per the Coastal Zone Land Use Ordinance.

Allowable Building Height

Building height should be 20 feet, however maximum height is 25 feet provided the following are met:

1. Height would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. The building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

Staff Response: The project is proposed to be 25 feet as measured from average natural grade. The project would not result in greater obstruction of public views and no greater limitation of solar access to adjacent properties. The building has a pitched roof with a slope of 5 to 12, and the additional height above 20 feet is used to achieve this pitched roof. The proposed project complies with the two height requirements for solar access and roof pitch as proposed.

Off-Street Parking requirements and location

Parking requirements are set forth in the Coastal Zone Land Use Ordinance for the proposed project (see parking under ordinance requirements for specific numbers). To reduce visual

impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108 a(2) of the Coastal Zone Land Use Ordinance.

Staff Response: The proposed project complies with this requirement. Both residences have proposed all off-street spaces (two spaces per residence) to be located within the attached garages.

Drainage Requirements

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan. *This project complies with this standard as conditioned.*

Affordable Housing

CZLUO section 23.04.092 requires new residential developments of more than eleven units set aside 15% of multifamily units for households of low or moderate income. The proposed project includes two residential units and therefore is exempt from this requirement because it is less than 11 units.

COMBINING DESIGNATIONS:

Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Coastal Appealable Zone

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

COMMUNITY ADVISORY GROUP COMMENTS:

Avila Valley Advisory Council Sub-Committee: The Avila Valley Advisory Land Use Committee met on March 27, 2014 to discuss the proposed project. Comments and concerns by the sub-committee were heard by the applicant and staff and it was determined that additional information and a follow-up meeting was necessary prior to the sub-committee submitting its comments to the Avila Valley Advisory Committee. Revised plans were submitted to staff but these plans were not forwarded to the sub-committee and a follow-up meeting was not scheduled. A follow-up meeting has been scheduled for October 1, 2014 where the sub-committee will discuss the revised plans and provide additional comments to the Avila Valley Advisory Committee. The following concerns related to the project were summarized by the sub-committee in electronic mail dated September 7, 2014 and the first meeting held March 27, 2014.

1. Lot Width – Section 23.04.090g.(1) provides for a minimum lot width of 35’.

Staff Response: Section 23.04.090g(1) provides for a minimum lot width of 35 feet for affordable housing density bonus. The proposed project is not requesting an affordable housing density bonus and therefore is not subject to the standards provided in Section 23.04.090g (1).

2. Side Setback – Section 23.04.110f.(2)(iii) Common Wall Development provides for side setbacks to be at least twice the setback as established for a Condominium multi-family project, which for this project is 10% of the 30’ width or 3’. The required setback is 6’. The applicant has proposed only 3’.

Staff Response: This proposed condominium project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.

3. Building Height – Section 23.04.122 illustrates the Measurement of Height to determine the average mean elevation. The applicant has incorrectly determined this average mean elevation resulting in a higher building height than allowed by the Specific Plan.

Staff Response: Figure A1.1 illustrates “lower finish floor” and “main finish floor” which is not the same as the highest and lowest point where the exterior walls touch the natural grade as required by Section 23.04.122 – Measurement of Height. “Lower finish floor” and “main finish floor” is the surveyed elevation where the residences floors will sit when the site has been graded. Figure C-2 illustrates the existing elevation contours existing across the proposed parcels. The highest point where an exterior wall touches the natural grade is approximately 16 feet; the lowest point where an exterior wall touches the natural grade is approximately 8 feet. The average natural grade is approximately 12 feet. The applicant correctly determined the average natural grade and as conditioned is limited to a maximum height of 25 feet above natural grade. The proposed residence will not exceed 25 feet in height above average natural grade.

4. The applicants are requesting these residences be used as “vacation rentals”. This conflicts with 23.08.165c (Residential vacation rentals) ordinance which states: “within the Avila Beach Community Service District boundaries, in all residential/recreational land use categories, no two (2) contiguous parcels (APN#s) shall be vacation rentals and no two (2) contiguous or adjacent units in a parcel (one APN#) shall have vacation rentals.”

Staff Response: In all Residential and Recreation land use categories within Avila Beach, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or visitor-serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required. The applicant has requested the location standard be modified through consideration of the Development plan.

AGENCY REVIEW:

Public Works: Comments and recommended conditions of approval received March 18, 2014 and March 21, 2014 are kept in the file and included as part of Exhibit B – Conditions of Approval. Additionally, Public Works requested the applicant demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management and that a Stormwater Quality Plan be submitted for review and approval.

Staff Response: The applicant submitted a Stormwater Control Plan application to Public Works. Public Works determined based on the impervious surface values no improvements were needed (T. Tomlinson, 2014). Conditions of approval have been included as part of Exhibit B – Conditions of Approval.

Environmental Health: “The applicant has not obtained a preliminary health clearance letter and should do so. A valid will serve/intent to serve from ABCSD is needed.” (Leslie Terry, April 14, 2014).

Staff Response: The applicant has obtained a valid intent to serve letter from the ABCSD (K. Richardson, March 13, 2014).

General Services/Parks: "Pay Quimby Fees." (Elizabeth Kavanaugh, May 6, 2014)

Staff Response: The project as conditioned is required to pay parkland fees.

Building Division: Comments included in Exhibit B – Conditions of Approval as applicable.

Cal Fire: Fire Safety Plan received August 24, 2014 (Tony Gomes, August 24, 2014).

HEAL SLO: "Healthy Communities supports the potential resulting effect of adding density to the area... recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor." (HEAL-SLO, May 8, 2014).

Avila Community Services District: "The applicant will need to meet all conditions of will serve fee water and sewer and pay all applicable fees"; (Kathryn Richardson, March 13, 2014.)

Staff Response: The applicant is responsible for contacting the Avila Beach Community Services District to confirm water and sewer conditions and all fees have been met.

Port San Luis Obispo Harbor District: In a letter dated September 4, 2014, the Harbor District requested that the proper Best Management Practices and good housekeeping be implemented during construction. During recent construction activities in close proximity to the planned project site, litter and construction debris accumulated in the area due to poor housekeeping and lack of adequate BMPs. The District requests that sufficient efforts be made to ensure similar incidents to do not occur during the planned construction project. These efforts should entail daily work site housekeeping, proper use of BMPs, and removal of any construction debris that enters the parking lot or stormwater swale.

Staff Response: The project, as conditioned, is required to incorporate BMPs into construction to address storm water runoff. These measures will be included on the drainage and grading plans and are designed to treat and infiltrate water runoff up to and including the 85th percentile storm event. In addition, the project as conditioned will be required to provide good housekeeping practices to ensure construction debris and litter do not accumulate during or after construction.

California Coastal Commission: None received.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #11 (Book 54, Page 73 of Parcel Maps).

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.